

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:08-CV-01988-JR
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
Defendant.)	

FIRST DECLARATION OF DAVID M. HARDY

I, David M. Hardy, declare as follows:

(1) I am currently the Section Chief of the Record/Information Dissemination Section ("RIDS"), Records Management Division ("RMD"), formerly at Federal Bureau of Investigation Headquarters ("FBIHQ") in Washington, D.C., and currently relocated to Winchester, Virginia. I have held this position since August 1, 2002. Prior to my joining the FBI, from May 1, 2001 to July 31, 2002, I was the Assistant Judge Advocate General of the Navy for Civil Law. In that capacity, I had direct oversight of Freedom of Information Act ("FOIA") policy, procedures, appeals, and litigation for the Navy. From October 1, 1980 to April 30, 2001, I served as a Navy Judge Advocate at various commands and routinely worked with FOIA matters. I am also an attorney who has been licensed to practice law in the State of Texas since 1980.

(2) In my official capacity as Section Chief of RIDS, I supervise approximately 274 employees who staff a total of ten (10) FBIHQ units and two field operational service center units whose collective mission is to effectively plan, develop, direct, and manage responses to requests for access to FBI records and information pursuant to the FOIA; Privacy Act; Executive

Order 13526; Presidential, Attorney General, and FBI policies and procedures; judicial decisions; and other Presidential and Congressional directives. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

(3) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to requests for information from its files pursuant to the provisions of the FOIA, 5 U.S.C. § 552. Specifically, I am aware of the treatment which has been afforded the FOIA requests of plaintiff, Dr. Ivan Greenberg.

(4) This Declaration is being submitted pursuant to the Joint Status Report of February 25, 2010 filed in the above-captioned action, which the Court approved by minute order dated February 25, 2010. (See Docket Entry 11). As stated in the referenced Joint Status Report, the purpose of this Declaration is to provide an explanation of the search that was conducted for records responsive to plaintiff's FOIA/Privacy Act requests for information related to former FBI Directors Clarence M. Kelley and L. Patrick Gray, III. This Declaration also provides the procedural history of these FOIA requests to provide appropriate context to the discussion of the search that is contained herein.

**PROCEDURAL HISTORY OF PLAINTIFF'S FOIA REQUEST FOR INFORMATION
CONCERNING FORMER ACTING FBI DIRECTOR L. PATRICK GRAY, III**

(5) By faxed letter dated July 9, 2007, the plaintiff submitted to FBIHQ a request for records pertaining to L. Patrick Gray, III, FBI Director. Plaintiff made the following request:

*"I request a complete and thorough search of all filing systems and locations for
all records maintained by your agency pertaining to and/or captioned:*

L. Patrick Gray III, FBI Director

This request specifically includes where appropriate "main" files and "see references," including but not limited to numbered and lettered sub files and control files. I also request a search of the Electronic Surveillance (ELSUR) Index, or any similar technique for locating records of electronic surveillance and the COINTELPRO Index. I request that all records be produced with the administrative pages. I wish to be sent copies of "see reference" cards, abstracts, search slips, including search slips used to process this request, file covers, multiple copies of the same documents if they appear in a file, tapes of any electronic surveillance, photographs, and logs of physical surveillance (FISUR). Please place missing documents on "special locate."

(See Exhibit A.)

(6) By letter dated August 26, 2007, FBIHQ acknowledged receipt of the request and assigned it request number 1088166-000. (See Exhibit B.)

(7) By letter dated November 14, 2007, FBIHQ informed the plaintiff of the status of his request. (See Exhibit C.)

(8) By letter dated December 7, 2007, FBIHQ provided the plaintiff with an estimated number of potentially responsive pages (30,000) and informed him that the duplication fees could total as much as \$2,990.00. Further, FBIHQ requested that the plaintiff contact FBIHQ to discuss how to proceed with the processing of his requests. (See Exhibit D.)

(9) On or about January 7, 2008, the plaintiff spoke with FBIHQ and agreed to limit the scope of his request to main files within the Watergate Era (1/1/72 - present). This agreement

to limit to main files within the Watergate Era was confirmed by letter dated January 7, 2008 from FBIHQ to the plaintiff. In addition, the letter served to inform the plaintiff that FBIHQ had renumbered his request to number 1104977. (See Exhibit E.)

(10) By letter dated April 7, 2008, the plaintiff was again informed of the status of the processing of his request. (See Exhibit F.)

(11) By letter dated April 28, 2008, the plaintiff was informed that FBIHQ had located approximately 1,116 pages that were potentially responsive to the reduced scope of his request and that he could owe \$101.60 in duplication fees. The plaintiff was again asked if he preferred to reduce the scope of his request further. (See Exhibit G.)

(12) By letter dated July 9, 2008, the plaintiff was again advised of the status of his request. (See Exhibit H.)

(13) On September 9, 2008, the FBI mailed to the plaintiff its first interim release of processed material which consisted of 251 pages reviewed with 250 pages released in paper. (See Exhibit I.)

(14) On September 22, 2008, the plaintiff spoke with FBIHQ and agreed to forward payment for the release and stated that he wished to receive the remaining 717¹ pages that were yet to be reviewed on CD. By check dated September 22, 2008, the plaintiff submitted the requested fee of \$15.00 to the FBI.

(15) On October 3, 2008, the Department of Justice's Office of Information and

¹Although 717 pages were discussed, the actual number of pages reviewed for this next release was 837.

Privacy² ("OIP") received a letter from the plaintiff appealing the FBI's first interim release of 250 pages concerning L. Patrick Gray, III, on the grounds of inadequacy of search, appealing the redactions made by the FBI, and appealing the one page withheld in its entirety. By letter dated October 7, 2008, OIP assigned Appeal number 09-0011. (See Exhibit J.)

(16) On November 18, 2008, the plaintiff filed a lawsuit in the United States District Court for the District of Columbia concerning the FBI's response to his request and OIP advised plaintiff by letter dated January 14, 2009, that it was closing its appeal file because the matter was now before the Court. (See Exhibit K.)

(17) On December 18, 2008, the FBI filed a Motion for Extension of Time to Answer or Otherwise Respond to Complaint. The Court granted the FBI's motion and allowed the FBI until January 23, 2009 to file its Answer.

(18) In December 2008, the FBI reviewed 837 pages and released 837 pages of responsive material to the plaintiff on CD. This was the FBI's second release of documents on subject L. Patrick Gray, III. Plaintiff was advised that the cost of this release on CD was \$15.00 and that payment was due upon receipt. (See Exhibit L.)

(19) On January 23, 2009, the FBI filed its Answer to the Complaint. (See Docket Entry No. 3.)

(20) On February 20, 2009, the parties filed a Joint Status Report with the Court. As of the filing of the February Joint Status Report the FBI had located for processing approximately

²As of March 11, 2009, the name of the Office of Information and Privacy changed to the Office of Information Policy. The name change reflects the current mission and function of the Office which is responsible for providing government wide policy guidance on implementation of the Freedom of Information Act. The acronym "OIP" is used interchangeably through this declaration to reflect this office.

4,000 pages of responsive material for the Gray request. These figures represented two-thirds of the documents the FBI expected to locate on the subject. The parties agreed that the FBI would process a minimum of 400 pages every month until all the documents were processed and that all releases would be made on CD in PDF format. (See Docket Entry No. 5.)

(21) The FBI made a release on CD to the plaintiff on February 20, 2009. 1,172 pages were reviewed and 1,133 pages were released in response to the Gray request. (See Exhibit M.)

(22) On March 10, 2009, the FBI advised the plaintiff that it had reviewed 634 pages and released 509 pages in the Gray request. (See Exhibit N.)

(23) While researching another individual's request, the FBI located Watergate information in the FBI's Reading Room which although not specifically responsive to the plaintiff's requests on Kelley and Gray, the FBI thought might be of interest to the plaintiff. The material was not indexed to Gray and Kelley, but because they were mentioned in the documents concerning the Watergate Investigation the FBI felt the plaintiff should be provided a copy for review. Because the material was not indexed under Gray or Kelley, normally it would not have been included in the documents being processed for the plaintiff. Therefore, as a courtesy, the FBI placed this Reading Room material onto three CDs and forwarded them to the plaintiff free of charge. (See Exhibit O.)

(24) On April 21, 2009, the parties filed another Status Report with the Court noting the progress of the search, review and processing of documents responsive to the Gray request. (See Docket Entry No. 6.)

(25) The FBI's April 22, 2009, release on Gray included 1,118 pages reviewed with 929 pages released. (See Exhibit P.)

(26) The FBI's May 8, 2009, release on Gray included 520 pages reviewed with 504 pages released. Additionally, the letter noted that documents had been referred to other government agencies for direct response to the plaintiff. (See Exhibit Q.)

(27) In June the FBI reviewed 650 pages and released all 650 pages concerning Gray. (See Exhibit R.)

(28) On June 24, 2009, the parties filed another Status Report with the Court advising the Court of the progress made to date in the search, review and processing of documents responsive to the request. (See Docket Entry No. 7.)

(29) In July, the FBI reviewed 770 pages and released 625 pages in response to the plaintiff's request on Gray. (See Exhibit S.)

(30) August's release included 858 pages reviewed and 529 pages released in the Gray request. (See Exhibit T.)

(31) On August 28, 2009, the parties filed another Status Report with the Court advising that the FBI was close to completion of its search for, review and processing of documents responsive to the Gray request, however the remaining pages could require declassification review and/or consultation with or referral to other agencies. (See Docket Entry No. 8.)

(32) The FBI made a final release (not including any subsequent consult responses) concerning the plaintiff's Gray request by letter dated September 25, 2009. The FBI reviewed 778 pages and released 544 pages. (See Exhibit U.)

(33) The parties filed a Joint Status Report with the Court on October 27, 2009, and

the FBI reported that it had concluded it's processing of the Gray request³. (See Docket Entry No. 9.)

(34) On November 24, 2009, the parties filed a Status Report with the Court advising the Court that discussions were continuing in an attempt to narrow the issues that would be raised in any summary judgment briefing. The parties advised the Court they would report their progress to the Court in another 90 days. (See Docket Entry No. 10.)

(35) On February 25, 2010, the parties filed a Status Report with the Court reporting the progress made on narrowing the issues that would be before the Court in any summary judgment briefing. During this time, the plaintiff had requested that the FBI determine if the documents withheld in full as sealed court documents currently remain sealed. The FBI contacted the Court and arranged for the documents to be returned from archives to the Court for review. A clerk of the Court determined that the documents continue to remain sealed⁴. Another issue the parties addressed in their February 25, 2010 Status Report concerned referrals/consults that had not yet been completed. The FBI advised that it would continue to coordinate with the agencies involved to complete the referrals. In addition, the FBI agreed to provide the plaintiff with a Declaration within 45 days of the referenced status report – which is the instant Declaration – describing the search that the FBI conducted to locate responsive records with the understanding that, upon receipt of the Declaration, plaintiff would evaluate whether or not he intended to challenge the search. As stated in the February 25, 2010 Status Report, Plaintiff has agreed not to

³The FBI was referring to processing of its own information within FBI documents. Documents still remained out for consult and/or referral response and those documents were completed at a later date.

⁴This issue is discussed in greater detail in paragraph 36.

challenge the exemptions asserted in connection with records already processed but has reserved the right to challenge any exemptions that may be asserted with respect to those records not yet processed (*i.e.*, any outstanding referrals). (See Docket Entry 11.) Accordingly, this Declaration does not address the exemptions that have been asserted in connection with records already processed.

EXPLANATION OF PAGES WITHHELD IN FULL

(36) In total, the FBI reviewed 7,588 pages in the Gray request. The FBI released in full or part, 6,510 pages⁵. 137 pages were withheld in full as duplicates of other pages. Approximately 618 pages were withheld as "other". The majority of the 618 pages that were withheld in full as other, were withheld because they were sealed court documents. The FBI contacted the United States District Court for the District of Columbia, Records Management Office, and inquired as to whether or not these documents continue to remain under seal. The FBI was advised that based on the age of the documents, the files from which these documents originated were no longer on-site and had been archived at the Federal Records Center (FRC). The FBI contacted the FRC and attempted to have the files shipped to the FBI for review, however the FBI was informed by the FRC that they could only be shipped to the originating agency, the Court. The files were shipped to the Clerk's Office for further review and a determination was made by a Clerk in the Records Management Office that the documents continue to remain under seal. The remaining pages withheld in full were referred to other agencies for consultation and/or direct response to the plaintiff and are described in more detail

⁵This total includes two releases totaling 1087 pages made prior to the interim releases made during the litigation concerning Gray.

herein at paragraphs 37 through 41.

**REFERRALS/CONSULTS TO OTHER GOVERNMENT AGENCIES
AND/OR OTHER DOJ COMPONENTS**

(37) During the course of the FBI's review of documents potentially responsive to the Gray request, the FBI found documents which either belonged to other government agencies and/or other DOJ components or which contained information that belongs to other government agencies or DOJ components, thus making it necessary to refer to or consult with those agencies. All referrals have been completed, with the exception of material which OIP referred to other department components.⁶ All consultations have been returned and are currently being processed. The FBI followed up on each and every referral and/or consult it made to other government agencies or DOJ components to which a direct response to the requester was to be made and confirmed that a direct response had been made to the plaintiff.

(38) The FBI intends to make a subsequent, follow-up release to the plaintiff on or before April 16, 2010, to provide the plaintiff with the final results of documents which had been sent to CIA and NSA on a consult basis. These consults were returned to the FBI on March 3, 2010 (CIA) and March 31, 2010 (NSA) and have been processed according to the instructions of CIA and NSA.

(39) Below is a chart listing the names of all the OGAs or other DOJ components to

⁶OIP has advised, by letter to the plaintiff, that it was necessary for OIP to further refer 41 pages of the 55 referred to them by the FBI to other department components of DOJ. 23 out of the 41 pages were referred by OIP to the Executive Office for United States Attorneys (EOUSA), 16 pages were referred to the Criminal Division and two pages to the National Security Division (NSD). According to OIP's letter to the plaintiff, the NSD has already responded directly to the plaintiff. The referral by OIP to EOUSA and the Criminal Division are still outstanding. The FBI will continue to monitor the status of these last two remaining referral issues.

which the FBI referred documents or consulted with concerning the handling of OGA information within FBI documents. The chart also lists the total number of pages referred, the date of the FBI referral and/or consultation request and the date that a response was provided by the OGA explaining the processing of their information or whether a direct response was sent to the requester by the OGA.

AGENCY	TOTAL # OF PAGES REFERRED	TOTAL # OF FBI PAGES REFERRED	TOTAL # OF OGA PAGES REFERRED	FBI REFERRAL /CONSULT DATE	OGA RESPONSE DATE
Internal Revenue Service (IRS) (Consult)	2	2	0	2/26/2009	4/10/2009 (Withheld in entirety)
White House (Consult)	6	6	0	3/03/2009	03/04/2009 (Released WH Info in Full)
United States Secret Service (USSS) (Direct Response)	8	0	8	2/09/2009	3/23/2009
DOJ/Criminal Division (Direct Response)	70	0	70	3/9/2010	3/27/2009
DOJ/Legal Counsel (Direct Response)	4	0	4	3/9/2009	3/25/2009
DOJ/Office of Information Policy (Direct Response, 1 of 2 Referrals)	1	0	1	3/9/2009	9/9/2009
State Department (Direct Response)	14	0	14	9/9/2009	1/15/2010
Army (Direct Response)	17	17	0	9/10/2009	10/21/2009

AGENCY	TOTAL # OF PAGES REFERRED	TOTAL # OF FBI PAGES REFERRED	TOTAL # OF OGA PAGES REFERRED	FBI REFERRAL /CONSULT DATE	OGA RESPONSE DATE
NSA (Consult)	24	24	0	9/10/2009	FBI is currently processing. Received from NSA on 3/31/10, anticipated release to be made in April
CIA (Consult)	88	88	0	9/10/2009	FBI is currently processing. Received from CIA 3/9/2010, anticipated release to be made in April.
DOJ/Office of Information Policy (Direct Response, 2 of 2 referrals)	50	0	50	9/10/2009	April 8, 2010.

(40) In order to compile the numbers for this chart, the FBI had to locate all the referral documents and recount them. In this recounting, some documents may have been grouped differently than when they were originally referred. In some instances, additional pages may have been added for contextual purposes. This may account for any numbers which may be different than the numbers provided by the OGAs. Also, as a result of discussing the referrals with some of the OGAs, it was determined that they also may have counted and grouped

documents differently from the FBI. Therefore, the above chart is the most complete accounting of the referral numbers that the FBI has at this time.

(41) The FBI created this table based on written appendices to the various referral letters. Minor variations of page counts do not necessarily indicate "lost" pages; it typically is a result of various counting techniques – e.g., whether pages included for context only are included in the totals of the OGAs.

**PROCEDURAL HISTORY OF PLAINTIFF'S FOIA REQUEST FOR INFORMATION
CONCERNING FORMER FBI DIRECTOR CLARENCE M. KELLEY**

(42) By faxed letter dated July 9, 2007, the plaintiff submitted to FBIHQ a request for records pertaining to Clarence M. Kelley, FBI Director. Plaintiff's specific request was for the following:

"I request a complete and thorough search of all filing systems and locations for all records maintained by your agency pertaining to and/or captioned:

Clarence M. Kelley, FBI Director

This request specifically includes where appropriate "main" files and "see references," including but not limited to numbered and lettered sub files and control files. I also request a search of the Electronic Surveillance (ELSUR) Index, or any similar technique for locating records of electronic surveillance and the COINTELPRO Index. I request that all records be produced with the administrative pages. I wish to be sent copies of "see reference" cards, abstracts, search slips, including search slips used to process this request, file covers, multiple copies of the same documents if they appear in a file, tapes of any electronic surveillance, photographs, and logs of physical surveillance (FISUR).

Please place missing documents on "special locate." (See Exhibit V.)

(43) By letter dated August 26, 2007, FBIHQ acknowledged receipt of the plaintiff's request and assigned it request number 1088203. (See Exhibit W.)

(44) By letter dated November 14, 2007, FBIHQ advised the plaintiff of the status of his request for information on former FBI Director Clarence M. Kelley. (See Exhibit X.)

(45) By letter dated December 7, 2007, FBIHQ advised the plaintiff that based on the number of documents found to be potentially responsive to both requests, cost for the material could be as much as \$2,990.00. (See Exhibit Y.)

(46) On or about January 7, 2008, the plaintiff spoke with FBIHQ and agreed to limit the scope of his request to main files within the Watergate Era (1/1/72 - present). This agreement to limit the scope of the request to main files within the Watergate Era was confirmed by letter dated January 7, 2008 from FBIHQ to the plaintiff. In addition, the letter served to inform the plaintiff that FBIHQ had renumbered his request to number 1104839. (See Exhibit E.)

(47) FBIHQ advised the plaintiff of the status of his request by letter dated April 3, 2008. (See Exhibit Z.)

(48) FBIHQ reviewed and released to the plaintiff 493 pages with redactions by letter dated June 22, 2008. Plaintiff was further advised that a duplication fee in the amount of \$39.30 was due. (See Exhibit AA.)

(49) By letter dated August 20, 2008, the plaintiff appealed the FBI's response to his request number 1104839 for information concerning former director Clarence M. Kelley, challenging the adequacy of search and the appropriateness of the redactions made to the 493 pages received. (See Exhibit BB.)

(50) On September 10, 2008, OIP acknowledged the plaintiff's appeal and assigned it number 08-2610. (See Exhibit CC.)

(51) By letter dated September 22, 2008, OIP affirmed the FBI's actions concerning plaintiff's request for information concerning Clarence Kelley. OIP further advised plaintiff that it was possible that additional records could have been transferred to the National Archives and Records Administration (NARA) and that he should submit a request directly to NARA. (See Exhibit DD.)

(52) Approximately three months after the June 22, 2008 release had been sent to the plaintiff, plaintiff made payment in full by check dated September 22, 2008, and received by the FBI on October 6, 2008. Due to the amount of time that had lapsed before payment was made, the FBI had already closed the case for failure to pay fees. When payment was received, it was entered into the closed case and no further action was taken. (See Exhibit EE.)

(53) On November 18, 2008, the plaintiff filed a lawsuit in the United States District Court for the District of Columbia concerning the FBI's response to his requests for information on Clarence Kelley and L. Patrick Gray.

(54) Upon receipt of the plaintiff's complaint, and upon discovery that payment had been made in full and additional material existed for processing, the FOIA request was reopened. The FBI assigned FOIA number 1104839-001 to the request. A search was conducted for additional material and as the material was located, all potentially responsive material was reviewed.

(55) On December 18, 2008, the FBI filed a Motion for Extension of Time to Answer or Otherwise Respond to Complaint. The Court granted the FBI's motion and allowed the FBI

until January 23, 2009 to file its answer. (See Docket Entry No. 2.)

(56) On January 23, 2009, the FBI filed its Answer to the Complaint. (See Docket Entry No. 3.)

(57) On February 19, 2009, the FBI made an interim release to the plaintiff. The FBI reviewed 846 pages and released 761 pages in full or part. Plaintiff was advised that a duplication fee in the amount of \$15.00 was due. In addition, plaintiff was advised that a search of the electronic surveillance indices at FBIHQ had been conducted and no responsive records were located. (See Exhibit FF.)

(58) On February 20, 2009, the parties filed a Joint Status Report with the Court. As of the filing of the February Joint Status Report the FBI had located for processing approximately 8,000 pages of potentially responsive material for the Kelley request. This figure represented approximately two-thirds of the documents the FBI expected to locate on the subject. The parties agreed that the FBI would process a minimum of 400 pages every month until all the documents were processed and that all releases would be made on CD in PDF format. (See Docket Entry No. 5.)

(59) The FBI made another interim release to the plaintiff on March 18, 2009. The FBI reviewed 794 pages and released 737 pages in full or part.⁷ (See Exhibit GG.)

(60) During the month of April, the FBI reviewed 905 pages and released 692 pages in full or part to the plaintiff by letter dated April 21, 2009. Plaintiff was advised of his right to appeal to OIP and was also advised of a duplication fee of \$15.00 for the CD. (See Exhibit HH.)

⁷Plaintiff was initially mailed the release in paper on March 16, 2008, however upon discovery of the inadvertent error, a CD was immediately mailed out to the plaintiff. The only charge assessed for the March release was \$15.00 for the CD.

(61) On April 21, 2009, the parties filed another Joint Status Report with the Court discussing the progression of the FBI's search, review of and processing of responsive documents. (See Docket Entry No. 6.)

(62) By letter dated May 22, 2009, the FBI made another interim release to the plaintiff. The FBI reviewed 1,673 pages and released 1,402 pages in full or part. Plaintiff was advised of his right to appeal to OIP and was also advised of a duplication fee of \$15.00 for the CD. (See Exhibit II.)

(63) On June 22, 2009, the FBI advised plaintiff that it had reviewed 1,360 pages and released 1,335 pages in full or part to the plaintiff. Plaintiff was advised of his right to appeal to OIP and was also advised of a duplication fee of \$15.00 for the CD. (See Exhibit JJ.)

(64) On June 24, 2009, the parties filed another Joint Status Report with the Court advising the Court of the progress made to date in the search, review and processing of documents responsive to the requests. (See Docket Entry No. 7.)

(65) By letter dated July 21, 2009, plaintiff was advised that the FBI had reviewed 1,751 pages and released 1,740 pages in full or part to the plaintiff. (See Exhibit KK.)

(66) The FBI made its final large rolling release to the plaintiff on August 14, 2009. The FBI advised that it had reviewed 1,762 pages and released 1,699 pages in full or part to the plaintiff. (See Exhibit LL.)

(67) On August 28, 2009, the parties filed a Joint Status Report with the Court advising that the FBI had completed its search for, review and processing of documents responsive to the plaintiff's Kelley request. (See Docket Entry No. 8.)

(68) Another status report was filed by the parties on November 24, 2009, advising

the Court that the parties were attempting to narrow the issues that would be raised in any summary judgment briefing and that they would report the results to the Court in another 90 days. (See Docket Entry No. 10.)

(69) On February 25, 2010, the parties reported their progress to the Court, including as regards referrals/consults that had not yet been completed,⁸ as discussed more fully in paragraph 35, *supra*. (See Docket Entry 11.)

EXPLANATION OF PAGES WITHHELD IN FULL

(70) In total, the FBI reviewed 9,584 pages in response to the Kelley request. The FBI released in full or part 8,859 of those pages.⁹ 694 pages were withheld in full because they were duplicates of other pages already reviewed and processed. Approximately 22 pages were referred to other government agencies for review and direct response to the plaintiff. These 22 pages are described in more detail below in paragraphs 71 through 73.

REFERRALS/CONSULTS TO OTHER GOVERNMENT AGENCIES AND/OR OTHER DOJ COMPONENTS

(71) During the course of the FBI's review of documents responsive to the Kelley request, the FBI found documents which belonged to three other agencies. The FBI referred the documents to the United States Secret Service (USSS), the Naval Criminal Investigative Service (NCIS), and to the Bureau of Prisons (BOP) for a direct response to the plaintiff.

(72) Below is a chart listing the status of each of the three referrals made to other government agencies (OGAs). The chart lists the number of pages referred, the date of the FBI

⁸The status of the Kelley Referrals is discussed in more detail in paragraph 71-73.

⁹This total includes the one release of 493 pages made prior to the interim releases made during the litigation.

referral, and the date the referral was completed by the OGA.

AGENCY	TOTAL # OF PAGES REFERRED	TOTAL # OF FBI DOCUMENTS REFERRED	TOTAL# OF OGA DOCUMENTS REFERRED	FBI REFERRAL LETTER DATE-	OGA RESPONSE DATE
Bureau of Prisons	14	0	14	8/12/2009	9/21/2009
United States Secret Service	5	0	5	8/26/2009 & again on 2/19/2010	4/7/2009
Naval Criminal Investigative Service	3	0	3	8/12/2009	9/2/2009

(73) The FBI created this table based on written appendices to the various referral letters. Minor variations of page counts do not necessarily indicate "lost" pages; it typically is a result of various counting techniques – e.g., whether pages included for context only are included in the totals of the OGAs.

EXPLANATION OF FBI'S CENTRAL RECORDS SYSTEM

(74) The Central Records System ("CRS"), which is utilized to conduct searches in response to FOIA and Privacy Act requests, enables the FBI to maintain all information which it has acquired in the course of fulfilling its mandated law enforcement responsibilities. The records maintained in the CRS consist of administrative, applicant, criminal, personnel, and other files compiled for law enforcement purposes. This system consists of a numerical sequence of files broken down according to subject matter. The subject matter of a file may relate to an individual, organization, company, publication, activity, or foreign intelligence matter (or program). Certain records in the CRS are maintained at FBIHQ. Records that are

pertinent to specific field offices of the FBI are maintained in those field offices. Although the CRS is primarily designed to serve as an investigative tool, the FBI utilizes the CRS to conduct searches that are likely to yield documents responsive to FOIA and Privacy Act requests. The mechanism that the FBI uses to search the CRS is the Automated Case Support System ("ACS").

(75) On or about October 16, 1995, the ACS was implemented for all Field Offices, Legal Attaches ("Legats"), and FBIHQ in order to consolidate portions of the CRS that were previously automated. ACS can be described as an internal computerized subsystem of the CRS. Because the CRS cannot electronically query the case file for data, such as an individual's name or social security number, the required information is duplicated and moved to the ACS so that it can be searched. More than 105 million records from the CRS were converted from automated systems previously utilized by the FBI. Automation did not change the CRS; instead, automation has facilitated more economic and expeditious access to records maintained in the CRS.

(76) The retrieval of data from the CRS is made possible through the ACS using the General Indices, which are arranged in alphabetical order.¹⁰ The entries in the General Indices fall into two categories:

- (a) A "main" entry --- A "main" entry, or "main" files, carries the name corresponding with a subject of a file contained in the CRS.
- (b) A "reference" entry --- "Reference" entry, sometimes called a "cross-reference" is generally only a mere mention or reference to an individual, organization, or other subject matter, contained in a document

¹⁰ The General Indices are not only automated but also include index cards which allow a manual search for records that pre-date the implementation of ACS on October 16, 1995.

located in another "main" file on a different subject matter.

(77) Searches made in the General Indices to locate records concerning a particular subject, such as L. Patrick Gray or Clarence M. Kelley, are made by searching the subject requested in the index.

(78) The ACS consists of three integrated, yet separately functional, automated applications that support case management functions for all FBI investigative and administrative cases:

(a) Investigative Case Management ("ICM") – ICM provides the ability to open, assign, and close investigative and administrative cases as well as set, assign, and track leads. The Office of Origin ("OO"), which sets leads for itself and other field offices, as needed, opens a case. The field offices that receive leads from the OO are referred to as Lead Offices ("LOs"). When a case is opened, it is assigned a Universal Case File Number ("UCFN"), which is used by all FBIHQ, as well as all FBI field offices and Legats that are conducting or assisting in the investigation. Using a fictitious file number "123-HQ-4567890," as an example, an explanation of the UCFN is as follows: "123 " indicates the classification for the specific type of investigation, i.e., National Foreign Intelligence Program; "HQ" is the abbreviated form used for the OO of the investigation, which in this case is Headquarters; and "4567890 " denotes the individual case file number for the particular investigation.

(b) Electronic Case File ("ECF") – ECF serves as the central electronic repository for the FBI's official text-based documents. ECF supports the universal serial concept in that only the creator of a document serializes it into a file. This provides a single-source entry of serials into the computerized ECF system. All original serials are maintained in the OO case

file.

(c) Universal Index ("UNI") – UNI continues the universal concepts of ACS by providing a complete subject/case index to all investigative and administrative cases. Only the OO is required to index; however, the LOs may index additional information as needed. UNI, an index of approximately 109.5 million records, functions to index names to cases, and to search names and cases for use in FBI investigations. Names of individuals or organizations are recorded with identifying applicable information such as date or place of birth, race, sex, locality, Social Security number, address, and/or date of event.

(79) The decision to index names other than subjects, suspects, and victims is a discretionary decision made by the investigative FBI Special Agent ("SA") assigned to work on the investigation, the Supervisory SA ("SSA") in the field office conducting the investigation, and the SSA at FBIHQ. The FBI does not index every name in its files; rather, it indexes only that information considered pertinent, relevant, or essential for future retrieval. Without a "key" (index) to this enormous amount of data, information essential to ongoing investigations could not be readily retrieved. The FBI files would thus be merely archival in nature and could not be effectively used to serve the mandated mission of the FBI, which is to investigate violations of federal criminal and national security statutes. Therefore, the General Indices to the CRS files are the means by which the FBI can determine what retrievable information, if any, the FBI may have in its CRS files on a particular subject matter or individual, i.e., L. Patrick Gray, III or Clarence M. Kelley.

ELECTRONIC SURVEILLANCE ("ELSUR") INDICES

(80) The Electronic Surveillance ("ELSUR") indices are used to maintain information

on a subject whose electronic and/or voice communications have been intercepted as a result of a consensual electronic surveillance or a court-ordered (and/or sought) electronic surveillance conducted by the FBI. The ELSUR indices date back to January 1, 1960. On or about October 9, 1991, the ELSUR indices were automated. Since that time, FBIHQ and all FBI field offices have electronically generated, maintained, modified and accessed all ELSUR records.

(81) The ELSUR indices are a separate system of records from the CRS. Prior to automation, the ELSUR indices consisted of index cards on individuals who had been the subject of a microphone or telephone surveillance by the FBI from 1960. As stated above, the previous manual index card system was converted to an automated system on or about October 9, 1991. These indices include individuals who were the (a) targets of direct surveillance, (b) participants in monitored conversations, and (c) owners, leasers, or licensors of the premises where the FBI conducted electronic surveillance. In addition to the names of individuals in the above categories, the cards in the ELSUR index contain the date the voice was monitored, a source number to identify the individual on whom the surveillance was installed, and the location of the FBI field office that conducted the monitoring.

(82) The ELSUR indices are published as a separate records system in the Federal Register because not all names contained in the ELSUR index can be retrieved through the General Index and the CRS. See 52 Fed. Reg. 8482 (1992).

(83) The FBI field offices that have conducted electronic surveillance at any time from 1960 to the present also maintain ELSUR indices. Since January 1, 1960, the field offices have been including in their ELSUR indices - and reporting to FBIHQ for inclusion in its index - the names of all persons whose voices have been monitored through a FBI microphone installation or

a telephone surveillance. The names of monitored subjects are retrievable through the FBIHQ or local field office ELSUR indices.

(84) Until 1969, FBI field offices were also required to forward the names of all persons mentioned during monitored conversations to FBIHQ for inclusion in the FBIHQ ELSUR index. Although FBIHQ discontinued this requirement in 1969, some field offices still include the names of individuals mentioned in monitored conversations in the field office's ELSUR index. However, the names of such persons cannot be retrieved through the FBIHQ ELSUR index.

**SEARCHES FOR RECORDS RESPONSIVE TO PLAINTIFF'S REQUEST FOR
INFORMATION ON L. PATRICK GRAY, III**

CRS SEARCH

(85) In response to plaintiff's FOIA request for information concerning former FBI Director L. Patrick Gray, III, the FBI searched for potentially responsive records using the ACS Universal Index to search the CRS General Indices using the name to locate any main investigatory files maintained at FBIHQ. The FBI's initial search was conducted on or about August 15, 2007. In addition to a search of ACS, a search of the FBIHQ manual index cards was conducted based on the date of birth of the subject. For each, a six-way phonetic search was conducted using the name "Louis Patrick Gray" which would cover a six-way phonetic breakdown of the name and any suffixes such as "III" were included in the search. For example, this particular name search would locate records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name Louis Patrick Gray, the search included, "Louis Patrick Gray," "Louis P. Gray," "Louis Gray," "L.P. Gray," "L. Patrick Gray," and, "Patrick Gray." In addition, variations of the spelling of the name would also

be picked up in the search (i.e., Lewis, Pat, Lou, etc.) When reviewing the results of this search, FBIHQ also used "III" which appears as a suffix to the subject's name, subject's date of birth, Social Security number and position to facilitate the identification of requested records. The above-described search terms, including date of birth, social security number and position initially located over 50 potentially responsive multi-volume main file records at FBIHQ. However, when the FBI and plaintiff were unable to come to an agreement concerning a guarantee of fees, the FBI ceased its review of the files and in December 2007, the FBI administratively closed the plaintiff's request.

(86) In January 2008, upon further telephone discussions with the plaintiff, the plaintiff agreed to narrow the scope of his request to files created from January 1, 1972 through the present. The request was reopened and another search was conducted on or about January 7, 2008. This search, reflecting the narrowed scope, was also a six-way phonetic search using the name "Louis Patrick Gray." As stated before, this type of name search would locate records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name Louis Patrick Gray, this search included, "Louis Patrick Gray," "Louis P. Gray," "Louis Gray," "L.P. Gray," "L. Patrick Gray," and, "Patrick Gray." In addition, variations of the spelling of the name would also be picked up in the search (i.e., Lewis, Pat, Lou, etc.) When reviewing the results of this search, FBIHQ also used the "III" which appears as a suffix to the subject's name, subject's date of birth, Social Security number, and position to facilitate the identification of the requested records. The FBI began ordering, reviewing and processing the responsive files. When plaintiff's payment was not received within the required time period, the FBI ceased its review of the files.

(87) On January 5, 2009, the FBI reopened the plaintiff's FOIA request for the processing of all additional documents. A new six-way phonetic search of the name "Louis Patrick Gray" was conducted. As stated before, this type of name search would locate records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name Louis Patrick Gray, this search included, "Louis Patrick Gray," "Louis P. Gray," "Louis Gray," "L.P. Gray," "L. Patrick Gray," and, "Patrick Gray." In addition, variations of the spelling of the name would also be picked up in the search (i.e., Lewis, Pat, Lou, etc.) When reviewing the results of this search, FBIHQ also used the "III" which appears as a suffix to the subject's name, subject's date of birth, Social Security number and position to facilitate the identification of requested records. Again, this search was limited to files created from January 1, 1972 through the present. Based on the age of the files, many of these files did not have electronic text available for viewing in ACS, and therefore had to be ordered and physically reviewed to determine true responsiveness. This review took several months to complete and although most were found to be non-responsive because subject Gray appeared only as a party to a civil action and was not a true subject of the civil action, 12 multi-volume main files were determined to be responsive and therefore forwarded for processing.

(88) As a result of the issuance of the new Attorney General Guidelines in March of 2009, a fourth six-way phonetic search was conducted to ensure that all potentially responsive files had been captured in the FBI's search of the CRS. However, all searches prior to this March 2009 search had been limited to FBIHQ. This new search encompassed all field offices and legats as well as FBIHQ. Otherwise the search terms and limitations were the same as those described previously in this declaration. This search resulted in the addition of three field office files to

those already being processed.

ELSUR SEARCH

(89) In addition to the search described above, the plaintiff specifically requested that the FBI search for information concerning Gray in the Electronic Surveillance (ELSUR) Index. A six-way phonetic search was conducted on April 25, 2008, in the FBI's ELSUR index using the name "Louis Patrick Gray" which would cover a six-way phonetic breakdown of the name. For example, this particular name search would locate records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name Louis Patrick Gray, the search included, "Louis Patrick Gray," "Louis P. Gray," "Louis Gray," "L.P. Gray," "L. Patrick Gray," and, "Patrick Gray." In addition, variations of the spelling of the name would also be picked up in the search (i.e., Lewis, Pat, Lou, etc.) When reviewing the results of this search, FBIHQ also used "III" which appears as a suffix to the subject's name, subject's date of birth, Social Security number and position to facilitate the identification of requested records. No responsive records were located in the FBI's search of the ELSUR Indices.

COINTELPRO INDEX SEARCH

(90) The plaintiff requested a search of the FBI's COINTELPRO Index as well. The FBI initiated the first Counterintelligence Program operation (COINTELPRO) targeted at the Communist Party of the United States in 1956. Former FBI Director Edgar J. Hoover terminated all COINTELPRO operations in April 1971, a time period that falls prior to the appointment of L. Patrick Gray. Based on the plaintiff's narrowed request for records from January 1, 1972 to present, the FBI determined that the COINTELPRO Index would not include any responsive material.

**SEARCH OF THE CRS FOR RECORDS RESPONSIVE TO PLAINTIFF'S REQUEST
FOR INFORMATION ON CLARENCE MARION KELLEY**

CRS SEARCH

(91) In response to plaintiff's FOIA request for information concerning former FBI Director Clarence M. Kelley, the FBI searched for potentially responsive records using the ACS Universal Index to search the CRS General Indices using the name to locate any main investigatory files maintained at FBIHQ. A six-way phonetic search was initially conducted on or about August 15, 2007, using the name "Clarence Marion Kelley" which would cover a six-way phonetic breakdown of the name. This particular name search would locate records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name Clarence Marion Kelley, the search included, "Clarence Marion Kelley," "Clarence M. Kelley," "Clarence Kelley," "C.M. Kelley," "C. Marion Kelley," and "Marion Kelley." In addition, variations of the spelling of the name would also be picked up in the search. When reviewing the results of this search, FBIHQ used the subject's date of birth, Social Security number and position to facilitate the identification of requested records. In addition to searching ACS, a search of FBIHQ manual indices was conducted on September 13, 2007, using the same six-way phonetic breakdown of the name Clarence Marion Kelley. The above-described search terms, including date of birth, social security number and position located over 250 potentially responsive multi-volume main files at FBIHQ through the search of the electronic indices. No potentially responsive main files were located as a result of the search of FBIHQ manual indices. The FBI began ordering and reviewing the files to determine responsiveness. However, when the FBI and plaintiff were unable to come to an agreement concerning a guarantee of fees, the FBI

ceased its review of the files and in December 2007, the FBI administratively closed the plaintiff's request.

(92) Upon further telephone discussions with the plaintiff in January 2008, the plaintiff agreed to narrow the scope of his request. The plaintiff agreed to limit the scope of the search to files created from January 1, 1972 through the present. The request was reopened and another search was conducted on or about January 4, 2008, based on the plaintiff's narrowed scope. This search was also a six-way phonetic search using the name "Clarence Marion Kelley." As stated before, this type of name search would locate records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name Clarence Marion Kelley, this search included, "Clarence Marion Kelley, Clarence M. Kelley, Clarence Kelley, C.M. Kelley, C. Marion Kelley, and Marion Kelley. In addition, variations of the spelling of the name would also be picked up in the search. When reviewing the results of this search, FBIHQ used the subject's date of birth, Social Security number and position to facilitate the identification of requested records. Approximately 152 main FBIHQ files were located as a result of this search. The majority of these files included civil litigation type files in which the director was listed because of his position and not because he was a subject of the litigation. The first release on subject Kelley occurred in June, 2008; however payment for the plaintiff's first release was not received until October 6, 2008 and the FOIA request had since been closed.

(93) On January 6, 2009, the FBI reopened the plaintiff's FOIA request for processing of all additional documents. A new six-way phonetic search of the name "Clarence Marion Kelley" was conducted. As before, this type of name search located records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name

Clarence Marion Kelley, this search included, "Clarence Marion Kelley, Clarence M. Kelley, Clarence Kelley, C.M. Kelley, C. Marion Kelley, and Marion Kelley. In addition, variations of the spelling of the name were picked up in the search. When reviewing the results of this search, FBIHQ used the subject's date of birth, Social Security number and position to facilitate the identification of requested records. Additionally, the scope of the request was limited to FBIHQ main files created on or after January 1, 1972, per prior negotiation with the plaintiff. Still, based on the age of the files, many of these files did not have electronic text available for viewing in ACS, and therefore had to be ordered and physically reviewed to determine true responsiveness. This review of several hundred volumes of files took several months to complete and although more than half were found to be non-responsive because subject Kelley appeared only as a party to a civil action and was not subject of the civil action, or because the specific volume was not within the time period requested, the FBI determined that approximately 35 multi-volume main files were actually responsive to the narrowed scope of plaintiff's request and therefore processed.

(94) As a result of the issuance of the new Attorney General Guidelines in March of 2009, a fourth six-way phonetic search was conducted to ensure that all potentially responsive main files had been captured in the FBI's search of the CRS. All searches prior to this March 2009 search had been limited to FBIHQ. This new search encompassed all field offices and legats as well as FBIHQ. Otherwise the search terms and limitations were the same as those described previously in this declaration as limited in scope to files created on or after January 1, 1972. This search resulted in the addition of several field office files to those already being processed.

ELSUR SEARCH

(95) In addition to the search described above, the plaintiff specifically requested that

the FBI search for information concerning Kelley in the Electronic Surveillance (ELSUR) Index. A search was conducted on November 1, 2007, in the FBI's ELSUR index using the name "Clarence Marion Kelley" and included a six-way phonetic breakdown of the name. For example, this particular name search would locate records using the phonetic sounds of the first, middle, and last name. Based on a six-way phonetic breakdown of the name "Clarence M. Kelley", the search included, "Clarence Marion Kelley, Clarence M. Kelley, Clarence Kelley, C.M. Kelley, C. Marion Kelley, and Marion Kelley. In addition, variations of the spelling of the name would also be picked up in the search. When reviewing the results of this search, FBIHQ used the subject's date of birth, Social Security number and position to facilitate the identification of requested records. The above-described search terms, including date of birth, social security number and position were utilized to determine responsiveness of each record. No responsive records were located in the FBI's search of the ELSUR Indices.

COINTELPRO SEARCH

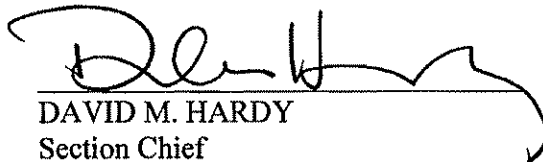
(96) The plaintiff requested a search of the FBI's COINTELPRO Index on subject Kelley as well. As stated in the description of the Gray COINTELPRO search, the FBI initiated the first Counterintelligence Program operation (COINTELPRO) targeted at the Communist Party of the United States in 1956. Former FBI Director Edgar J. Hoover terminated all COINTELPRO operations in April 1971, a time period that falls prior to the appointment of L. Patrick Gray and Clarence Kelley. Based on the plaintiff's narrowed request for records from January 1, 1972 to present, the FBI determined that the COINTELPRO Index would not include any responsive material.

CONCLUSION

(97) The FBI has conducted numerous searches in a manner expected to uncover all potentially responsive main files. All potentially responsive main files have been reviewed and when responsive, processed. All segregable, non-exempt information from the documents responsive to plaintiff's request has been released, with the exception of the FBI's anticipated April release of the CIA and NSA consultation material and the two outstanding referrals made by OIP to EOUSA and the Criminal Division which are still being processed to determine whether information is releasable. Therefore, the FBI has conducted an adequate search pursuant to the narrowed requests of the plaintiff. With the previously noted exceptions, there is no further reasonably segregable, non-exempt information to be released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibit A through LL attached hereto are true and correct copies.

Executed this 9th day of April, 2010.


DAVID M. HARDY
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Winchester, Virginia

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT A

A-1

Federal Bureau of Investigation
Records Information/Dissemination Section
935 Pennsylvania Ave., N.W.
Washington, DC 20535
fax: (540) 868-4995

July 9, 2007

This is a noncommercial request under the Freedom of Information and Privacy Acts.

I request a complete and thorough search of all filing systems and locations for all records maintained by your agency pertaining to and/or captioned:

L. Patrick Gray III, FBI Director

This request specifically includes where appropriate "main" files and "see references," including but not limited to numbered and lettered sub files and control files. I also request a search of the Electronic Surveillance (ELSUR) Index, or any similar technique for locating records of electronic surveillance and the COINTELPRO Index. I request that all records be produced with the administrative pages. I wish to be sent copies of "see reference" cards, abstracts, search slips, including search slips used to process this request, file covers, multiple copies of the same documents if they appear in a file, tapes of any electronic surveillance, photographs, and logs of physical surveillance (FISUR). Please place missing documents on "special locate."

If documents are denied in whole or in part, please specify which exemption(s) is(are) claimed for each passage or whole document denied. Give the number of pages in each document and the total number of pages pertaining to this request and the dates of documents withheld. I request that excised material be "blackened out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act. Please send a memo (with a copy or copies to me) to the appropriate unit(s) in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction. As I expect to appeal any denials, please specify the office and address to which an appeal should be directed.

Please inform me in advance if the cost for this request exceeds \$300.

Sincerely,



Dr. Ivan Greenberg
2105 Wallace Ave. #5A
Bronx, NY 10462
lgreen7047@aol.com

(718) 928-8228

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Watergate-Era FBI Chief L. Patrick Gray III Dies at 88

Deep Threat Revelation 'Shocked' Acting Director
(FINAL Edition)

The Washington Post - Washington, D.C.

Author:

Patricia Sullivan

Date:

Jul 7, 2006

Section:

METRO

Document Types:

Obituary

Total Word Count:

1456

Mr. Gray's tumultuous 11 months at the FBI began weeks before the June 17, 1972, break-in of the Democratic National Committee headquarters in the Watergate complex. His government career began after his revelation during congressional confirmation hearings in March 1973 that he had been passing files from the agency's Watergate investigation to White House counsel John W. Dean III.

(John Ehrlichman), with [Richard M. Nixon's] agreement, ordered Mr. Gray to stop the FBI investigation into Watergate almost from its outset, claiming that the CIA was handling the case. The FBI probe continued, although Mr. Gray provided reports to Dean.

When the FBI's legendary director J. Edgar Hoover died in May 1972, President Nixon appointed Mr. Gray to the position of acting director. His arrival, according to an FBI agent quoted by The Post, was "like hitting a typhoon in the front door." Within weeks, he relaxed the FBI's formal dress codes and strict weight requirements, welcomed women into the ranks, visited 68 of the bureau's 59 field offices and forced out some of Hoover's most trusted lieutenants. But not [W. Mark Felt]. In fact, Mr. Gray said last month, he received five separate demands from the White House to fire Felt.

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IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

EXHIBIT B



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 26, 2007

DR. IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No.: 1088166- 000
Subject: GRAY, L PATRICK (III)

Dear Dr. Greenberg:

- ☒ This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI. The FOIPA number listed above has been assigned to your request.
- ☐ For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- ☐ To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant to Title 28, United States Code 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- ☐ If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- ☒ We are searching the indices to our central records system at FBI Headquarters for the information you requested, and will inform you of the results as soon as possible.
- ☐ Processing delays have been caused by the large number of requests received by the FOIPA. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT C



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 14, 2007

DR. IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No: 1088166-000

Subject: GRAY, L PATRICK (III) FBI
DIRECTOR

Dear Requester:

The purpose of this letter is to advise you of the status of your pending Freedom of Information/Privacy Acts (FOIPA) request at the Federal Bureau of Investigation (FBI). Currently the FBI is searching for, retrieving, scanning, and evaluating files that may be responsive to your request. Many factors may contribute to the time required to process your request; however, the greatest single factor is the number of documents associated with your request.

Once your files have been evaluated as potentially responsive, your request will be forwarded to the "perfected backlog", where your request will wait for assignment to an analyst.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is located below the "Sincerely yours," text.

David M. Hardy
Section Chief,
Record/Information Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT D



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 7, 2007

DR. IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462
USA

Request No.: 1088166- 000 AND 1088203-000
Subject: GRAY, L PATRICK (III) FBI DIRECTOR
AND KELLY, CLARENCE FBI DIRECTOR

Dear Requester:

This is in reference to your Freedom of Information-Privacy Acts (FOIPA) request.

We have located approximately 30,000 pages which are potentially responsive to your request. Pursuant to Title 28, Code of Federal Regulations (CFR), Sections 16.11 and 16.49, there is a duplication fee of ten cents per page. The first 100 pages will be provided to you free of charge. Regulations require us to notify requesters when anticipated charges exceed \$25, and if all of the pages are released, you will owe \$2,990.00 in duplication fees. Please remember this is only an estimate, and if some of the pages are withheld or are not identifiable with your subject, the actual charges could be less.

As stated previously, the cost indicated is only an estimate, therefore, no payment should be made at this time. Please contact Margaret Payne Jackson at (540) 868-4843 between the hours of 6:30 am and 3:00 pm EST to discuss how to proceed with the processing of your requests.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT E



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

January 7, 2008

Dr. Ivan Greenberg
Apartment #5A
2105 Wallace Avenue
Bronx, NY 10462

Re: FOIA Request No. 1088166 and 1088203
Former FBI Directors Clarence M. Kelley and
L. Patrick Gray III

Dear Dr. Greenberg :

This letter will serve to document your telephone conversation with FBI representative Peggy Jackson about the scope of your request. You advised Mrs. Jackson that you wished to reduce the scope of your request to the Watergate era. This agreement allows us to focus our search of files.

We will search main files that exist from 01/01/1972 to the present on both former Directors. Please be advised that your request numbers have been changed. The new FOIA numbers are 1104839 (Clarence M. Kelley) and 1104977 (L. Patrick Gray).

Please refer to these numbers when inquiring about information in regards to your requests. Your consideration in this matter is greatly appreciated.

Sincerely yours,

David M. Hardy
Section Chief
Records/Information
Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT F



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 07, 2008

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No: 1104977-000
Subject: GRAY, L. PATRICK

Dear Requester:

The purpose of this letter is to advise you of the status of your pending Freedom of Information/Privacy Acts (FOIPA) request at the Federal Bureau of Investigation (FBI). Currently the FBI is searching for, retrieving, scanning, and evaluating files that may be responsive to your request. Many factors may contribute to the time required to process your request; however, the greatest single factor is the number of documents associated with your request.

Once your files have been evaluated as potentially responsive, your request will be forwarded to the "perfected backlog", where your request will wait for assignment to an analyst.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned above the typed name.

David M. Hardy
Section Chief,
Record/Information Dissemination Section
Records Management Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT G



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 28, 2008

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No.: 1104977-000
Subject: GRAY, L. PATRICK

Dear Requester:

This is in reference to your Freedom of Information-Privacy Acts (FOIPA) request.

We have located approximately 1,116 pages which are potentially responsive to your request. Pursuant to Title 28, Code of Federal Regulations (CFR), Sections 16.11 and 16.49, there is a duplication fee of ten cents per page. The first 100 pages will be provided to you free of charge. Regulations require us to notify requesters when anticipated charges exceed \$25, and if all of the pages are released, you will owe \$101.60 in duplication fees. Please remember this is only an estimate, and if some of the pages are withheld or are not identifiable with your subject, the actual charges could be less.

You may want to consider reducing the scope of your request. This would allow you to lower your costs and hasten the receipt of your information. To streamline our operation, we divide our requests into three tracks based on the amount of material to be processed: small (1-500 pages); medium (501-2500 pages) and large (2501 or more pages), with the small track having the fastest rate of processing. To accelerate the processing of your request, you must reduce the pages to be processed to 500 pages or less. Please let us know in writing if you are interested in discussing the possibility of reducing the scope of your request or if you are willing to pay the estimated duplication cost indicated in the above paragraph. Your written response should provide a telephone number where you can be reached between the hours of 8:00 a.m. and 5:00 p.m., EST. You may also fax your response to the following number: 540-868-4996, Attention: Work Processing Unit. You must include the FOIPA request number in any communication regarding this matter.

As stated previously, the cost indicated is only an estimate, therefore, no payment should be made at this time.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT H



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 09, 2008

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No: 1104977-000
Subject: GRAY, L. PATRICK

Dear Requester:

The purpose of this letter is to advise you of the status of your pending Freedom of Information/Privacy Acts (FOIPA) request at the Federal Bureau of Investigation (FBI). Currently your request is being reviewed by an analyst. The analyst will confirm that all records are responsive to your request and apply exemptions allowed under FOIPA. If your request is for sensitive national security information, then the records must undergo a systematic declassification review prior to application of FOIPA exemptions. Large requests take the longest time to be processed by an analyst.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the signature line.

David M. Hardy
Section Chief,
Record/Information Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT I



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

September 9, 2008

Subject: GRAY, L. PATRICK

FOIPA No. 1104977-000

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☐ (b)(1)
- ☒ (b)(2)
- ☐ (b)(3) _____
- _____
- _____
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

Section 552a

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☒ (b)(7)(D)
- ☒ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)
- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

251 pages were reviewed and 250 pages are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

□ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

This is in further response to your Freedom of Information (FOIA) request to FBI Headquarters (FBIHQ) for information regarding Patrick L. Gray.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

The enclosed documents are only a portion of the file(s) maintained on your requested subject matter. If you would like the remainder of the documents processed, it will be necessary for you to agree, in writing, to pay duplication fees.

Please remit duplication fees in the amount of \$15.00. Duplication fees are assessed at the rate of 10 cents per page, with the first 100 pages being free of charge. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIPA number on your check or enclose a copy of this letter. If payment is not received within 45 days from the date of this letter, your request will be administratively closed.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT J

Director
Office of Information and Privacy
U.S. Department of Justice
1425 New York Ave., NW, Suite 11050
Washington, DC 20530-0001

Sept. 23, 2008

Re: Freedom of Information Act Appeal

Dear Director:

This is an appeal under the Freedom of Information Act.

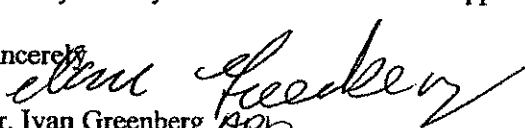
By letter dated July 9, 2007, I submitted a FOIA request for records "pertaining to and/or captioned: L. Patrick Gray III, FBI Director". My request was initially assigned Request No. 1088166-000 on December 7, 2007, but on January 7, 2008, it was reassigned as Request No. 1104977. By letter dated April 28, 2008, the FBI stated that approximately 1,116 pages were potentially responsive to my request.

By letter dated September 11, 2008, the FBI released to me 250 pages. The letter indicated that redactions had been made due to the applicability of FOIA Exemptions b(2), b(6) and b(7)(C)-(E) and that one page in its entirety had been withheld. The letter also indicated that a search of the FBI's electronic surveillance indices had been conducted and that no responsive records had been identified.

I hereby appeal the adequacy of the FBI's search and the redactions made with respect to the 251 pages identified as responsive. Pursuant to my conversation with FBI representative Charlie Miller on September 22, 2008, I understand that all future releases by the FBI pertaining to this request will be made in electronic (soft-copy) form. Please note that acceptable formats are .pdf, .jpg, .gif, .tif.

Thank you for your consideration of this appeal.

Sincerely,


Dr. Ivan Greenberg
2105 Wallace Ave. #5A
Bronx, NY 10462
(718) 928-8228

Assign TO:

MJS

09-0011

OFFICE OF INFORMATION
AND PRIVACY

OCT 03 2008

RECEIVED

FOIA
(A)
FBI



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

OCT 07 2008

Dr. Ivan Greenberg
No. 5A
2105 Wallace Avenue
Bronx, NY 10462

Re: Request No. 1104977

Dear Dr. Greenberg:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on October 3, 2008.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number 09-0011. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. We regret the necessity of this delay and appreciate your continued patience.

Sincerely,

Priscilla Jones
Supervisory Administrative Specialist

Michael

FBI

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT K



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

JAN 14 2009

Dr. Ivan Greenberg
No. 5A
2105 Wallace Avenue
Bronx, NY 10462

Re: Appeal No. 09-0011
Request No. 1104977
ADW:SVJ

Dear Dr. Greenberg:

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records pertaining to former FBI Director L. Patrick Gray III.

I have been informed that you filed a lawsuit pertaining to the FBI's action in the United States District Court for the District of Columbia. Inasmuch as this matter is now before the Court, I am closing your appeal file in this Office in accordance with 28 C.F.R. § 16.9(a)(3) (2008).

Sincerely,

Janice Galli McLeod
Associate Director

FBI

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT L



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

December 22, 2008

Subject: GRAY, L. PATRICK

FOIPA No. 1104977- 000

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☐ (b)(1)
- ☒ (b)(2)
- ☐ (b)(3) _____
- _____
- _____
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

Section 552a

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☒ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)
- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

837 pages were reviewed and 837 pages are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

This is in further response to your Freedom of Information (FOIA) request to FBI Headquarters (FBIHQ) for information regarding Patrick L. Gray.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of \$15.00. Duplication fees are assessed at the rate of \$15 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIPA number on your check or enclose a copy of this letter.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT M



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

February 20, 2009

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

Subject: GRAY, L. PATRICK

FOIPA No. 1104977-001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- | | | |
|---|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input checked="" type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input checked="" type="checkbox"/> (b)(3) <u>Federal Rules of Criminal</u> | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| <u>Procedure Rule 6(e)</u> | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

1,172 pages were reviewed and 1,133 pages are being released.

☒ Documents were located which originated with, or contained information concerning another Government agency [OGA]. This information has been:

- ☒ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is an excised copy of Headquarters files: 89-2373, 89-2431, 89-2285, 9-55694, 62-115529 sections 1,2, 3, and Enclosure Behind File (EBF) number 67, which is responsive to your Freedom of Information Act (FOIA) request.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of **\$15.00**. Duplication fees are assessed at the rate of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIPA number on your check or enclose a copy of his letter.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT N



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

March 10, 2009

Subject: GRAY, L. PATRICK

FOIPA No. 1104977- 001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

☒ (b)(1)

☐ (b)(7)(A)

☐ (d)(5)

☒ (b)(2)

☐ (b)(7)(B)

☐ (j)(2)

☒ (b)(3) Federal Rules of Criminal

☒ (b)(7)(C)

☐ (k)(1)

Procedure Rule 6(e)

☒ (b)(7)(D)

☐ (k)(2)

☐ (b)(7)(E)

☐ (k)(3)

☐ (b)(7)(F)

☐ (k)(4)

☐ (b)(4)

☐ (b)(8)

☐ (k)(5)

☒ (b)(5)

☐ (b)(9)

☐ (k)(6)

☒ (b)(6)

☐ (k)(7)

634 pages were reviewed and **509 pages** are being released.

☒ Documents were located which originated with, or contained information concerning other Government agencies [OGA]. This information has been:

☒ referred to the OGA for review and direct response to you.

☒ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is a second interim release consisting of Headquarters files: 62-115529 June Mail, 62-110845 sections 2, 3, and Enclosure Behind File (EBF) number 194, which is responsive to your Freedom of Information Act (FOIA) request.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of **\$15.00**. Duplication fees are assessed at the rate of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIPA number on your check or enclose a copy of this letter.

Additional releases will be made until processing is complete.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

EXHIBIT O



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

March 28, 2009

DR. IVAN GREENBERG
APARTMENT 5A
2105 WALLACE AVENUE
BRONX, NY 10462

Dear Dr. Greenberg:

Through the course of processing another requester's FOIA case, we located certain materials that may be of interest to you. The information that is of issue is in regard to your current below listed FOIA requests:

1104839-001 - Kelley, Clarence Marion
1104977-001 - Gray, L. Patrick
1124703-000 - Felt, W. Mark

Although the materials being provided to you make note of Clarence Marion Kelley, L. Patrick Gray, and W. Mark Felt, these subjects were not indexed as main references or cross references in our central records system. We are providing these materials to you based on the fact that we feel that they may be of interest to you. These materials are being provided to you free of charge, so no fee will be assessed.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT P

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request number assigned to your request so that it may be identified easily.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is the third interim release consisting of Headquarters file: 62-118045 sections 6, 8, and Enclosure Behind File (EBF) number 212x1. Headquarters file: 72-2202 sections 1, 2, and EBF number 5 were also included in this interim release. These files are responsive to your Freedom of Information Act (FOIA) request.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of \$15.00. Duplication fees are assessed at the rate of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIPA number on your check or enclose a copy of this letter.

Additional interim releases will be made until processing is complete.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

EXHIBIT Q



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
APARTMENT # 5A
2105 WALLACE AVENUE
BRONX, NY 10462

May 8, 2009

Subject: GRAY, L. PATRICK

FOIPA No. 1104977-001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☒ (b)(1)
☒ (b)(2)
☐ (b)(3) _____

☐ (b)(4)
☐ (b)(5)
☒ (b)(6)

Section 552a

- ☐ (b)(7)(A) ☐ (d)(5)
☐ (b)(7)(B) ☐ (j)(2)
☒ (b)(7)(C) ☐ (k)(1)
☒ (b)(7)(D) ☐ (k)(2)
☐ (b)(7)(E) ☐ (k)(3)
☐ (b)(7)(F) ☐ (k)(4)
☐ (b)(8) ☐ (k)(5)
☐ (b)(9) ☐ (k)(6)
☐ (k)(7)

520 pages were reviewed and 504 pages are being released.

☒ Documents were located which originated with, or contained information concerning other Government agencies [OGA]. This information has been:

- ☒ referred to the OGA for review and direct response to you.
☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is the fourth interim release consisting of Headquarters file: 62-117353 sections 1,2,3 and Enclosure Behind File (EBF) number 3.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of **\$15.00**. Duplication fees are assessed at the rate of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the FOIPA number on your check or enclose a copy of this letter.

Additional interim releases will be made until processing is complete.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT R



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

June 8, 2009

Subject: GRAY, L. PATRICK

FOIPA No. 1104977-001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☒ (b)(1)
- ☒ (b)(2)
- ☐ (b)(3) _____
- _____
- _____
- _____
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

Section 552a

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☒ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)
- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

650 pages were reviewed and 650 pages are being released.

- ☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
 - ☐ referred to the OGA for review and direct response to you.
 - ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is the fifth interim release consisting of Headquarters file: 62-117353 Enclosure Behind File (EBF) numbers 23, 24, 28, 30, and 51. Also included in this interim release is Headquarters file: 62-117353 Bulky 16 and June Mail.

Please note that Headquarters file 62-117353 is responsive for both Patrick L. Gray and Clarence M. Kelley (FOIPA Number 1104839-001).

Per consultation with the Internal Revenue Service, serial 62-118045-38X (Bates pages 2321) is being withheld in its entirety per (b)(3), Internal Revenue Code section 6103, and (b)(7)(C). The information being withheld consists of third party tax information. Please see a copy of Notice 393 provided by the IRS which describes the exemptions and provides you with your appeal rights.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

The FBI would normally charge \$15 for the enclosed documents but we are forwarding them at no cost due to receipt of your check dated May 13, 2009.

Additional interim releases will be made until processing is complete.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT S



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

July 15, 2009

Subject: GRAY, L. PATRICK

FOIPA No. 1104977-001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

☒ (b)(1)

☐ (b)(7)(A)

☐ (d)(5)

☒ (b)(2)

☐ (b)(7)(B)

☐ (j)(2)

☒ (b)(3) Federal Rules of Criminal
Procedure Rule 6(e)

☒ (b)(7)(C)

☐ (k)(1)

☒ (b)(7)(D)

☐ (k)(2)

☐ (b)(7)(E)

☐ (k)(3)

☐ (b)(7)(F)

☐ (k)(4)

☐ (b)(4)

☐ (b)(8)

☐ (k)(5)

☐ (b)(5)

☐ (b)(9)

☐ (k)(6)

☒ (b)(6)

☐ (k)(7)

770 pages were reviewed and 625 pages are being released.

☒ Documents were located which originated with, or contained information concerning other Government agencies [OGA]. This information has been:

☒ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references; in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is the sixth interim release consisting of Headquarters file: 62-118045 sections 1, 4, June Mail, White House Documents, and Enclosure Behind File (EBF) number 272x14; FBI Butte Field Office file: 80-923 section 1 and 3 cassette tapes; and FBI Butte Field Office file: 197-11 section 1.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of \$15.00. Duplication fees are assessed at the rate of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIA number on your check or enclose a copy of this letter. Please remit payment to 170 Marcel Drive, Winchester, VA, 22602.

Additional interim releases will be made until processing is complete.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT T



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

August 12, 2009

Subject: GRAY, L. PATRICK

FOIPA No. 1104977-001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☒ (b)(1)
- ☒ (b)(2)
- ☒ (b)(3) Federal Rules of Criminal
Procedure Rule 6(e)
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

Section 552a

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☒ (b)(7)(D)
- ☒ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)
- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

858 pages were reviewed and 529 pages are being released.

☒ Documents were located which originated with, or contained information concerning other Government agencies [OGA]. This information has been:

☒ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is the seventh interim release consisting of the following: 62-HQ-118045 sections 5, 7; 62-HQ-117958; 62-HQ-115529 June Mail, and New York Field Office file 197-NY-78.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of \$15.00. Duplication fees are assessed at the rate of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIA number on your check or enclose a copy of this letter. Please remit payment to 170 Marcel Drive, Winchester, VA, 22602.

Additional interim releases will be made until processing is complete.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT U



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

September 25, 2009

DR. IVAN GREENBERG
APARTMENT #5A
2105 WALLACE AVENUE
BRONX, NY 10462

Subject: GRAY, L. PATRICK

FOIPA No. 1104977-001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

☒ (b)(1)

☐ (b)(7)(A)

☐ (d)(5)

☒ (b)(2)

☐ (b)(7)(B)

☐ (j)(2)

☒ (b)(3) Federal Rules of Criminal

☒ (b)(7)(C)

☐ (k)(1)

Procedure Rule 6(e)

☒ (b)(7)(D)

☐ (k)(2)

☒ (b)(7)(E)

☐ (k)(3)

☐ (b)(7)(F)

☐ (k)(4)

☐ (b)(4)

☐ (b)(8)

☐ (k)(5)

☐ (b)(5)

☐ (b)(9)

☐ (k)(6)

☒ (b)(6)

☐ (k)(7)

778 pages were reviewed and **544 pages** are being released.

☒ Document were located which originated with, or contained information concerning other Government agency [OGA]. This information has been:

☒ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

Enclosed is the eighth and final release consisting of Headquarters file: 62-118045 sections 9, 10, and 11 as well as an unrecorded serial from section 7.

A search of the FBI Headquarters electronic surveillance indices has been conducted and no responsive record which indicates that your subject has ever been the target of an electronic surveillance was located.

Please remit duplication fees in the amount of \$15.00. Duplication fees are assessed at the rate of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation. Please include the above FOIA number on your check or enclose a copy of this letter. Please remit payment to 170 Marcel Drive, Winchester, VA, 22602.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on-issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

EXHIBIT V

Federal Bureau of Investigation
Records Information/Dissemination Section
935 Pennsylvania Ave., N.W.
Washington, DC 20535
fax: (540) 868-4995

July 9, 2007

This is a noncommercial request under the Freedom of Information and Privacy Acts.

I request a complete and thorough search of all filing systems and locations for all records maintained by your agency pertaining to and/or captioned:

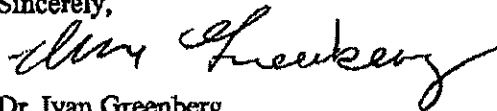
Clarence M. Kelley, FBI Director

This request specifically includes where appropriate "main" files and "see references," including but not limited to numbered and lettered sub files and control files. I also request a search of the Electronic Surveillance (ELSUR) Index, or any similar technique for locating records of electronic surveillance and the COINTELPRO Index. I request that all records be produced with the administrative pages. I wish to be sent copies of "see reference" cards, abstracts, search slips, including search slips used to process this request, file covers, multiple copies of the same documents if they appear in a file, tapes of any electronic surveillance, photographs, and logs of physical surveillance (FISUR). Please place missing documents on "special locate."

If documents are denied in whole or in part, please specify which exemption(s) is(are) claimed for each passage or whole document denied. Give the number of pages in each document and the total number of pages pertaining to this request and the dates of documents withheld. I request that excised material be "blackened out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act. Please send a memo (with a copy or copies to me) to the appropriate unit(s) in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction. As I expect to appeal any denials, please specify the office and address to which an appeal should be directed.

Please inform me in advance if the cost for this request exceeds \$300.

Sincerely,



Dr. Ivan Greenberg
2105 Wallace Ave. #5A
Bronx, NY 10462
lgreen7047@aol.com

...are worth a lot of green.



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Clarence M. Kelley Dies at 85
Headed FBI in 1970s
(FINAL Edition)

The Washington Post - Washington, D.C.

Author:

Monte Weil, Louise Estrada

Date:

Aug 6, 1997

Section:

METRO

Document Types:

Obituary

Text Word Count:

1890

Clarence M. Kelley, 85, the burly, bespectacled former Kansas City, Mo., police chief who became head of the FBI at a time of turmoil in 1973 and helped reorient its operations, died yesterday at his home in Kansas City.

At the time of his retirement early in 1978 and in a statement yesterday by FBI Director Louis Freeh, Mr. Kelley was lauded for focusing FBI priorities in three main areas: counterintelligence, organized crime and white-collar crime. Before Mr. Kelley's tenure, the agency had sometimes been criticized as neglecting the latter two areas.

Mr. Kelley, one of about 30 candidates for the job, had won a reputation for bringing reform and efficiency to the once scandal-plagued Kansas City police. He was named FBI director on June 7, 1973, and assumed the post in July, at a time of Watergate-related concern about the ability of the agency to maintain its investigative independence.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT W



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 26, 2007

DR. IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No.: 1088203- 000
Subject: KELLEY, CLARENCE M

Dear Dr. Greenberg:

- ☒ This acknowledges receipt of your Freedom of Information-Privacy Acts (FOIPA) request to the FBI. The FOIPA number listed above has been assigned to your request.
- ☐ For an accurate search of our records, please provide the complete name, alias, date and place of birth for the subject of your request. Any other specific data you could provide such as prior addresses, or employment information would also be helpful. If your subject is deceased, please include date and proof of death.
- ☐ To make sure information about you is not released to someone else, we require your notarized signature or, in place of a notarized signature, a declaration pursuant to Title 28, United States Code 1746. For your convenience, the reverse side of this letter contains a form which may be used for this purpose.
- ☐ If you want the FBI's Criminal Justice Information System (CJIS) to perform a search for your arrest record, please follow the enclosed instructions in Attorney General Order 556-73. You must submit fingerprint impressions so a comparison can be made with the records kept by CJIS. This is to make sure your information is not released to an unauthorized person.
- ☒ We are searching the indices to our central records system at FBI Headquarters for the information you requested, and will inform you of the results as soon as possible.
- ☐ Processing delays have been caused by the large number of requests received by the FOIPA. We will process your request(s) as soon as possible.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us. Your patience is appreciated.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT X



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 14, 2007

DR. IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No: 1088203-000
Subject: KELLEY, CLARENCE M FBI
DIRECTOR

Dear Requester:

The purpose of this letter is to advise you of the status of your pending Freedom of Information/Privacy Acts (FOIPA) request at the Federal Bureau of Investigation (FBI). Currently the FBI is searching for, retrieving, scanning, and evaluating files that may be responsive to your request. Many factors may contribute to the time required to process your request; however, the greatest single factor is the number of documents associated with your request.

Once your files have been evaluated as potentially responsive, your request will be forwarded to the "perfected backlog", where your request will wait for assignment to an analyst.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D Hardy", is positioned above the typed name.

David M. Hardy
Section Chief,
Record/Information Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT Y



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 7, 2007

DR. IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462
USA

Request No.: 1088166-000 AND 1088203-000
Subject: GRAY, L. PATRICK (III) FBI DIRECTOR
AND KELLY, CLARENCE FBI DIRECTOR

Dear Requester:

This is in reference to your Freedom of Information-Privacy Acts (FOIPA) request.

We have located approximately 30,000 pages which are potentially responsive to your request. Pursuant to Title 28, Code of Federal Regulations (CFR), Sections 16.11 and 16.49, there is a duplication fee of ten cents per page. The first 100 pages will be provided to you free of charge. Regulations require us to notify requesters when anticipated charges exceed \$25, and if all of the pages are released, you will owe \$2,990.00 in duplication fees. Please remember this is only an estimate, and if some of the pages are withheld or are not identifiable with your subject, the actual charges could be less.

As stated previously, the cost indicated is only an estimate, therefore, no payment should be made at this time. Please contact Margaret Payne Jackson at (540) 868-4843 between the hours of 6:30 am and 3:00 pm EST to discuss how to proceed with the processing of your requests.

Sincerely yours,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT Z



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 03, 2008

DR IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Request No: 1104839-000
Subject: KELLEY, CLARENCE
MARION/1972 TO PRESENT

Dear Requester:

The purpose of this letter is to advise you of the status of your pending Freedom of Information/Privacy Acts (FOIPA) request at the Federal Bureau of Investigation (FBI). Currently the FBI is searching for, retrieving, scanning, and evaluating files that may be responsive to your request. Many factors may contribute to the time required to process your request; however, the greatest single factor is the number of documents associated with your request.

Once your files have been evaluated as potentially responsive, your request will be forwarded to the "perfected backlog", where your request will wait for assignment to an analyst.

You may inquire as to the status of your request by calling the FBI's FOIPA Public Information Center at 540-868-4593.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is positioned above the typed name.

David M. Hardy
Section Chief,
Record/Information Dissemination Section
Records Management Division

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT AA



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

June 22, 2008

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839-000

Dear Requester:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☐ (b)(1)
- ☒ (b)(2)
- ☐ (b)(3) _____
- _____
- _____
- _____
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

Section 552a

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☐ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)
- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

493 page(s) were reviewed and 493 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Pursuant to Title 28, Code of Federal Regulations, Sections 16.10 and 16.49, there is a fee of ten cents per page for duplication. No fees are assessed for the first 100 pages. Please forward a check or money order to us, payable to the Federal Bureau of Investigation, in the amount of \$39.30. To insure proper identification, please include the FOIPA number assigned to this request with your payment.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

08-2610

FOIA
(A)
FBI

Director
Office of Information and Privacy
U.S. Department of Justice
1425 New York Ave., NW, Suite 11050
Washington, DC 20530-0001

Aug. 20, 2008

Re: Freedom of Information Act Appeal

Dear Director:

This is an appeal under the Freedom of Information Act.

By letter dated July 9, 2007, I submitted a FOIA request for records "pertaining to and/or captioned: Clarence M. Kelley, FBI Director."

My request was initially assigned Request No. 1088203-000 on December 7, 2007, but on January 7, 2008, it was reassigned as Request No. 1104839. By way of a telephone conversation on April 3, 2008, I was informed by FBI representative Tonya Robinson that the estimated scope of responsive records was approximately 58,000 pages.

By letter dated June 22, 2008, the FBI released to me 493 pages. The letter indicated that redactions had been made due to the applicability of FOIA Exemptions b(2), b(6) and b(7)(C). The letter did not reference any other responsive records that had been identified.

I hereby appeal the adequacy of the FBI's search and the redactions made with respect to the 493 pages already released. I also am requesting that any documents or records produced in response to this appeal be provided in electronic (soft-copy) form wherever possible. Acceptable formats are .pdf, .jpg, .gif, .tif.

For your convenience, I have enclosed a copy of my original FOIA request.

Thank you for your consideration of this appeal.

Sincerely,



Dr. Ivan Greenberg App
2105 Wallace Ave. #5A
Bronx, NY 10462
(718) 928-8228

OFFICE OF INFORMATION
AND PRIVACY

AUG 27 2008

RECEIVED

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

EXHIBIT CC



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 10 2008

Dr. Ivan Greenberg
2105 Wallace Avenue
Apartment 5A
Bronx, NY 10462

Re: Request No. 1104839

Dear Dr. Greenberg:

This is to advise you that your administrative appeal from the action of the Federal Bureau of Investigation was received by this Office on August 27, 2008.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number 08-2610. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. We regret the necessity of this delay and appreciate your continued patience.

Sincerely,

Priscilla Jones
Supervisory Administrative Specialist

Jonia

181

Civil Action No. 1:08-CV-01988-JR

EXHIBIT DD



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 22 2008

Dr. Ivan Greenberg
Apartment 5A
2105 Wallace Avenue
Bronx, NY 10462

Re: Appeal No. 08-2610
Request No. 1104839
ADW:CGG

Dear Dr. Greenberg :

You appealed from the action of the Headquarters Office of the Federal Bureau of Investigation on your request for access to records pertaining to former FBI Director Clarence M. Kelley. I note that you appeal "the adequacy of the FBI's search and the redactions made with respect to the 493 pages already released."

After carefully considering your appeal, I am affirming the FBI's action on your request. The FBI properly withheld certain information that is protected from disclosure under the Freedom of Information Act pursuant to:

5 U.S.C. § 552(b)(2), which concerns matters that are related solely to internal agency practices;

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

It is possible that additional records you seek were transferred to the National Archives and Records Administration (NARA). If you have not done so already, I suggest that you submit a request directly to NARA for these records. The address for NARA's Freedom of Information Act office is:

Special Access and FOIA Staff
National Archives and Records Administration
NWCTF-Room 6350
8601 Adelphi Road
College Park, MD 20740-6001

-2-

Regarding your comments about the adequacy of the FBI's search, the FBI advised you that it had located approximately 58,000 pages with more boxes to be retrieved. As a result, you agreed to narrow your request and by letter dated January 7, 2008, the FBI confirmed your agreement. I have determined that the FBI conducted an adequate, reasonable search for records responsive to your request and provided you with the volume of records consistent with your instructions to limit your fees to \$300.00.

If you are dissatisfied with my action on your appeal, you may file a lawsuit in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Galli McLeod". The signature is fluid and cursive, with the first name "Janice" being the most prominent.

Janice Galli McLeod
Associate Director

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT EE

IVAN J. GREENBERG 04-07
2105 WALLACE AVE.
BRONX, NY 10462-2470

1-2
210
746309690
9/22/08 150

PAY TO THE
ORDER OF

FBI

\$ 39,30

Thirty-nine + 30/100

CHASE

Morgan Chase Bank, N.A.
New York, New York 10017
www.chase.com

FOIA

MEMO 104839-000

FRCP 5.2/L.R. 5.4(D)(4)

Allen Feederly

Dr. Iwan Greenberg
2105 Wallace Ave. #5A
Brent, NY 10462

RECEIVED
FBI
JAN 20 1983



FBI
Records Information
Section
170 Marcel Drive
Winchester, VA
22602-4843

IVAN GREENBERG,
Plaintiff,
v.
FEDERAL BUREAU OF INVESTIGATION,
Defendant.

EXHIBIT FF



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

February 19, 2009

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839- 001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

☐ (b)(1)

☐ (b)(7)(A)

☐ (d)(5)

☒ (b)(2)

☐ (b)(7)(B)

☐ (j)(2)

☐ (b)(3) _____

☒ (b)(7)(C)

☐ (k)(1)

☐ (b)(7)(D)

☐ (k)(2)

☐ (b)(7)(E)

☐ (k)(3)

☐ (b)(7)(F)

☐ (k)(4)

☐ (b)(4)

☐ (b)(8)

☐ (k)(5)

☐ (b)(5)

☐ (b)(9)

☐ (k)(6)

☒ (b)(6)

☐ (k)(7)

846 page(s) were reviewed and 761 page(s) are being released.

☒ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☒ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Enclosed is an interim release concerning your request pertaining to Clarence Marion Kelley (1972 to present). You will find on the CD file # 9-HQ-63356 and #9-66863. Also, a search of our electronic surveillance indices at FBI Headquarters located no records responsive to Mr. Kelley.

There is a fee of \$15.00 per CD. Make your check or money order payable to the Federal Bureau of Investigation. Please place your FOIPA number on your check or money order.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT GG



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR IVAN GREENBERG
APARTMENT 5A
2105 WALLACE AVENUE
BRONX, NY 10462

March 18, 2009

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839- 001

Dear Mr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☐ (b)(1)
- ☒ (b)(2)
- ☒ (b)(3) 18 USC 5038
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☐ (b)(7)(D)
- ☒ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)

Section 552a

- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

794 page(s) were reviewed and 737 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s).

If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☐ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Enclosed is an interim release concerning your request on Clarence Marion Kelley (1972 to present). You will find files 9-60989 (sections 1 and 2), 9-58476 (section 1), and 9-51921 (section 2) on the CD.

This interim release was inadvertently mailed to you in paper on March 16, 2008. Enclosed is a CD containing the same responsive documents. No charge will be assessed for the paper release.

There is a fee of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation and should also include FOIPA #1104839-001.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT HH



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR. IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

April 21, 2009

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839- 001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

☐ (b)(1)

☒ (b)(2)

☐ (b)(3) _____

☐ (b)(4)

☐ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☒ (b)(7)(D)

☒ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

905 page(s) were reviewed and 692 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☐ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter in order to be considered. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Enclosed is an interim release concerning your request on Clarence Marion Kelley (1972 to present). You will find files 9-58749 (section 1), 9-57708 (sections 1 and 2), 9-57708 EBF-6, 9-57708 EBF-8, 89-2604 (section 1), 89-3076 (section 1), 157-32592 (section 1), 157-32592 EBF-9, 174-6364 (section 1), 175-270 (section 1), 175-337 (section 1), 175-440 (section 1), and 175-440 EBF-2 on the CD.

There is a fee of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation and should also include FOIPA #1104839-1.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

EXHIBIT II



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

DR IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

May 22, 2009

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839- 001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- | | | |
|--|---|---------------------------------|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input checked="" type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____ | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

1,673 page(s) were reviewed and 1,402 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when Ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s).

If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Enclosed is the fourth interim release concerning your request on Clarence Marion Kelley (1972 to present). You will find files 26-433979 (sections 1 thru 5), 26-433979 EBF-58, 89-3718 (sections 1 and 2), and 89-3785 (section 1) on the CD.

There is a fee of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation and should also include FOIPA #1104839-001.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, *for example, information involving intelligence sources or methods*;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IVAN GREENBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT JJ



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 22, 2009

DR IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839- 001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

☐ (b)(1)

☒ (b)(2)

☐ (b)(3) _____

☐ (b)(4)

☐ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☒ (b)(7)(D)

☐ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

1360 page(s) were reviewed and 1335 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☐ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Enclosed is the fifth interim release concerning your request on Clarence Marion Kelley (1972 to present). You will find files SU 174-814 (section 1); which is duplicate to BT 174-288 (section 1), BT 80-943 (section 1) and 62-115698 (sections 1 thru 7), 62-115698 EBF 294 and 389 on the CD.

There is a fee of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation, and should also include FOIPA # 1104839-001. Please send your check or money order to 170 Marcel Drive, Winchester, VA 22602.

EXHIBIT KK



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 21, 2009

DR IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839- 001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☒ (b)(1)
- ☐ (b)(2)
- ☐ (b)(3) _____
- _____
- _____
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

Section 552a

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☒ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)
- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

1751 page(s) were reviewed and 1740 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

- ☐ referred to the OGA for review and direct response to you.
- ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Enclosed is the sixth interim release concerning your request on Clarence Marion Kelley (1972 to present). You will find files 62-115698 (sections 8 thru 14 and section 20), 62-115698 EBF 481, 904X, 909X, and 1367 on the CD.

There is a fee of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation, and should include FOIPA #1104839-001. Please send your check or money order to 170 Marcel Drive, Winchester, VA 22602.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

Civil Action No. 1:08-CV-01988-JR

EXHIBIT LL



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 14, 2009

DR IVAN GREENBERG
#5A
2105 WALLACE AVENUE
BRONX, NY 10462

Subject: KELLEY, CLARENCE MARION/1972 TO
PRESENT

FOIPA No. 1104839- 001

Dear Dr. Greenberg:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☒ (b)(1)
- ☒ (b)(2)
- ☒ (b)(3) _____
- _____
- _____
- _____
- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☒ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)

Section 552a

- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

1,762 page(s) were reviewed and 1,699 page(s) are being released.

☒ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☒ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

Enclosed is the final release concerning your request on Clarence Marion Kelley (1972 to present). You will find files 197-84 (sections 1 thru 3), 62-115698 (sections 15 thru 19 and sections 21 thru 23), 62-115698 EBF 1008, 1085, 1154 and 1558 on the CD.

There is a fee of \$15.00 per CD. Your check or money order should be made payable to the Federal Bureau of Investigation, and should include FOIPA # 1104839-001. Please send your check or money order to 170 Marcel Drive, Winchester, VA 22602.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.